

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TERRI ANN KOELKER,

Plaintiff,

v.

**INNOVATIVE TECHNICAL
SOLUTIONS, LLC,**

Defendant.

No. 10-CV-0649-DRH

ORDER

HERNDON, Chief Judge:

This sua sponte Order is triggered by the Court's initial review of the complaint.¹ On August 23, 2010, Defendant removed this case to this Court based on diversity jurisdiction (Doc. 2). The Court notes that neither the complaint nor the notice of removal properly pleads citizenship.²

Complete diversity means that "none of the parties on either side of the litigation may be a citizen of the state of which a party on the other side is a citizen."

***Howell v. Tribune Entertainment Co.*, 106 F.3d 215, 217 (7th Cir. 1997).** In

¹ This Court always undertakes a review of newly-filed complaints; **see *Wisconsin Knife Works v. National Metal Crafters*, 781 F.2d 1280, 1282 (7th Cir. 1986)**: The first thing a federal judge should do when a complaint is filed is check to see that federal question jurisdiction is properly alleged.

² Section 1332 requires complete diversity and an amount in controversy greater than \$75,000. A review of the pleadings shows that the allegations regarding the amount in controversy are sufficient. However, the allegations regarding citizenship are insufficient to establish that subject matter jurisdiction exists.

determining the existence of diversity jurisdiction, courts look to the citizenship of all partners or investors in a partnership or limited liability company. ***Lear Corporation v. Johnson Electric Holdings Limited*, 353 F.3d 580, 582 (7th Cir. 2003)**. Here the allegations regarding Defendant's citizenship are insufficient to confer diversity jurisdiction. Thus, the Court **ALLOWS** Defendant up to and including September 7, 2010 to file a brief addressing subject matter jurisdiction. The failure to do so will result in the Court remanding this case to the St. Clair County, Illinois Circuit Court for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Signed this 24th day of August, 2010.

/s/ David R. Herndon

**Chief Judge
United States District Court**